

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 164 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
2 to 5 No

STATE OF GUJARAT

Versus

SANJAY MANSUKH PARMAR

Appearance:

MR. A.J. DESAI, APP for Petitioner
MR BS PATEL for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 24/03/98

ORAL JUDGEMENT

Heard learned APP Mr. A.J. Desai, for the petitioner State and Mr. B.S. Patel, learned Advocate for respondent. Rule. Mr. B.S. Patel, learned Advocate waives service of rule on behalf of respondent. By consent of the learned advocates, matter is finally heard today.

2. Being aggrieved and dissatisfied by the order passed by learned Additional Sessions Judge dated 12th February, 1998, in the proceedings of Revision Application No. 32 of 1998, the State of Gujarat has preferred present Revision Application.

3. That vide impugned order, the learned Addl. Sessions Judge had rejected the Revision Application which was filed by State of Gujarat against the order passed by learned JMFC, Padra, District Baroda, in the matter of Padra Police Station Crime Register No. 8 of 1998 for the offences made punishable under Sections 406, 409, 420, 467, 462, 471, 477 and 120-B of the IPC. That present respondent was arrested for the said offence on 19.1.1998 at about 1815 hours and was produced before the Court of JMFC. That the Investigating Officer has claimed the remand custody of the accused and remand was granted upto 27th January, 1998. That on 27th January, 1998, after producing the respondent before the learned JMFC, the Investigating Officer has prayed further remand of five days on the ground that accused is conversant with the various details on the conspiracy and the role played by different conspirators in the said offence. However, accused is suppressing some information and thereby further interrogation is necessary. That learned JMFC has heard the said application and vide order dated 29.1.1998 had rejected the same. Against which, State of Gujarat has preferred Criminal Revision Application No. 32 of 1998 in the court of Sessions Judge, Baroda, District Baroda. That learned Additional Sessions Judge, Baroda has rejected the said revision application by impugned order as stated hereinabove.

3. That the Manager of Padra Branch State of Bank had lodged First Information Report with the Padra Police Station in respect to defalcation made by Accountant J.L. Parmar and others in conspiracy with different persons for aggregate amount of Rs.4.50 crores. That after the registration of the offence, the police had earlier apprehended Accountant J.L. Parmar and other accused. That during the interrogation of Accountant J.L. Parmar, the name of the present respondent was revealed as respondent happens to be the nephew of accused J.L. Parmar. That during the interrogation, the police has collected certain information about coconspirator Deepak Patel who was arrested by the police. That information in respect to account opened by present respondent in Urban Co-operative Bank was also revealed. However, the application moved by the Investigating Officer dated 29th January, 1998, copy of which is produced at running page 16 to 17 of the compilation does not disclose any

specific reason for which further remand of the present respondent is claimed.

4. In view of the facts and circumstances apparent from the record in the context of rival submissions made at Bar, in my opinion, learned JMFC as well as learned Addl. Sessions Judge have rightly rejected the application of the Investigating Officer claiming remand of present respondent for further period of 5 days. As I do not find any illegality or procedural illegality or perversity in the reasoning, in my opinion, no interference is warranted in the impugned order passed by learned Additional Sessions Judge.

5. On the basis of the above stated discussion, present Revision Application fails. The petition stands disposed of as rejected. Rule is discharged. No order as to costs.

p.n.nair